

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

In re:)	Case No. BK24-40202
)	
STEPHANIE OSBORN and)	Jointly Administered
COLTON OSBORN, <i>et al.</i> ¹ ,)	
)	
Debtors.)	

Notice Concerning Waiver of Judicial Disqualification

To: Stephanie Osborn and Colton Osborn
C&S Ag, LLC
C&S Organics
Beck's Superior Hybrids, Inc.
James Overcash, Chapter 12 Trustee

Judge Brian Kruse, the bankruptcy judge in this case, determined he is disqualified from presiding in these jointly administered cases. Specifically, circumstances lead him to believe his impartiality might reasonably be questioned. Judge Kruse may participate in these proceedings only if all the above listed parties and their lawyers, after notice of the basis for disqualification, have an opportunity to confer outside the presence of the judge and all agree in writing to waive the disqualification under a procedure independent of the judge's participation. *See* Canon 3D of the Code of Conduct for United States Judges; *see also* 28 U.S.C. 455.

Judge Kruse will disqualify himself in these proceedings unless a written waiver is obtained from all the debtors and their counsel, from James Overcash, the Chapter 12 trustee, and from Beck's Superior Hybrids, Inc. and its counsel. The basis for disqualification is:

The judge was employed by the firm now representing Becks Superior Hybrids, Inc. from 2000 through 2005. He was a partner at the same firm from 2006 through March 2020, and was its managing partner from 2013 through 2019. The firm bought out the judge's equity interest in the firm, through installment payments. The final installment was paid in July 2024. To the judge's knowledge, Beck's Superior Hybrids, Inc. was not a client when the judge was at the firm. In addition, the judge's child is presently employed part-time as a runner at the firm. The judge's child is not a lawyer and performs purely clerical work.

¹ The debtors include *Stephanie Osborn and Colton Osborn*, Case No. BK24-40202; *C&S Ag, LLC*, Case No. BK24-40200; and *C&S Organics*, Case No. BK24-40201.

If you and your client(s) want to waive the judge's disqualification, you must respond by letter, e-mailed to me at eva_roeber@neb.uscourts.gov, on or before October 28, 2024. A sample letter is enclosed. The letter must be signed and submitted by the attorney of record only after consultation with all his or her clients in the captioned cases. Do not send the letter or a copy of the letter to the judge or any other counsel.

Do Not E-File Your Letter on the CM/ECF System. Submit it Directly to the Clerk of Court by E-mail.

If all listed parties submit waiver letters, this notice and all responses will be made part of the record, as required by Canon 3D, and the judge will continue to preside in the bankruptcy cases. If a waiver is not received on behalf of all listed parties and their respective counsel, all responses will be kept under seal by the clerk and not shown to the judge, nor will the judge be informed of the identity of any party or lawyer who declined to waive the disqualification. If the disqualification is not waived, the cases will be reassigned to another judge.

This letter will be filed on the CM/ECF System. Any waiver by the listed parties is without prejudice to any other party in interest subsequently filing a motion to disqualify.

Dated: October 18, 2024

/s/ Eva Roeber
Clerk, U.S. Bankruptcy Court

Sample Waiver of Disqualification Letter

**Notice to Attorneys: Do Not E-File Your Letter on the CM/ECF System.
Submit it Directly to the Clerk of Court.**

Date:

Via Email: eva_roeber@neb.uscourts.gov

Clerk of the Court
U.S. Bankruptcy Court (D. Neb.)
111 South 18th Plaza, Suite 1125
Omaha, NE 68102

Re: *Stephanie Osborn and Colton Osborn*, Case No. BK24-40202;
C&S Ag, LLC, Case No. BK24-40200; and
C&S Organics, Case No. BK24-40201

Dear Ms. Roeber:

I consulted with my client(s), _____, which are all the clients I represent in the above listed cases, concerning the notice Judge Brian Kruse intends to disqualify himself from this case because his impartiality might reasonably be questioned.

My client(s) and I waive any disqualification. We are willing to proceed with Judge Kruse presiding.

I am submitting this letter only to the clerk's office. I am not copying Judge Kruse, any other counsel of record, or any other party in interest.

Sincerely,

[Name]
Attorney of Record, on behalf of:
[Client(s)]